

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

Garey E. Lindsay, Regional Director of
the Ninth Region of the National Labor
Relations Board, for and on behalf of
the National Labor Relations Board

Petitioner,

vs.

Leggett & Platt, Inc.,

Respondent.

Civil Action No. 5:17-198-KKC

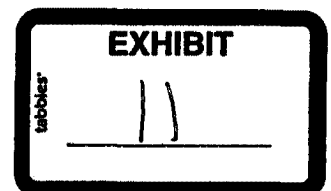
Judge Karen K. Caldwell

I, Chuck Denisio, declare as follows:

1. I am over the age of eighteen (18) and am competent to testify to the matters contained herein. This declaration is based upon my personal knowledge.

2. I am currently employed by Leggett & Platt as Branch Manager of the Winchester plant (also known as plant #002) and have been for several years. Based on my knowledge as Branch Manager, the Union has been the bargaining representative of certain production and maintenance employees at the Branch since at least 1965.

3. In my role as Branch Manager, I was presented with a petition signed by more than half of the employees who were represented by the union (IAM) on December 19, 2016. Two Leggett employees under my direction then reviewed and authenticated the signatures on the petition by comparing them to other exemplars of their signatures in our files such as W-4 forms. We all were satisfied that the



signatures were authentic.

4. I then sent a letter to the Union on January 11, 2017, notifying it of the employee petition and that based on the petition, the Company would withdraw recognition from the Union when the current collective bargaining agreement expired on February 28, 2017.

5. Next, on January 12, 2017, I directed that a notice be distributed to employees regarding the Company petition and stating that if employee sentiment did not change with respect to no longer supporting the Union, the Company would withdraw recognition from the Union upon contract expiration.

6. On February 21, 2017, I received a letter from the Union stating that it "did not believe" the Company's claim that the Union no longer enjoyed majority support among the bargaining unit employees. I responded to this letter on February 22, stating that the Company had not received any evidence that employee sentiment had changed with respect to the petition I initially received on December 19. A true and correct copy of the letter I sent to the Union is attached hereto as Exhibit A.


7. Indeed, contrary to the Union's claim in its February 21 letter, I received additional signed petition pages following December 19. I never received any evidence or clear statement from the Union that it did in fact enjoy majority support from bargaining unit employees prior to March 1. I also knew that employee turnover in the bargaining unit as of March 1 did not deprive the employee petition of majority support.

8. Had the union or the Board provided any evidence that the Union had restored its majority status prior to March 1, the Company would have promptly

undertaken to investigate and authenticate such evidence, and if, after authentication, the union had reestablished a majority, the Company would have continued to recognize it and filed an election petition with the Board to allow for a secret ballot vote to resolve any doubt.

9. I have been provided with additional employee petition pages containing additional signatures stating that the signing employees no longer desire to be represented by the Union. True and correct copies of these additional petition pages are attached hereto as Exhibit B. The signatures on these pages have also been verified by the Company using known comparators from the Company's files.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct and this this declaration was executed on 23 May, 2017.



Chuck Denisio



Leggett & Platt
INCORPORATED

2/22/2017

Mr. Billy Stivers
Directing Business Representative
International Association of Machinist and Aerospace Workers
824 South 2nd Street, Louisville, Kentucky 40203

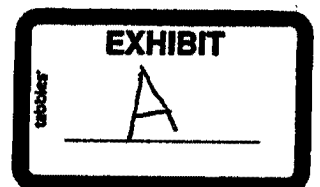
Dear Billy:

As the Company explained in its January 11, 2017 letter to you, it has received a signed petition from a majority of its bargaining unit employees that they no longer desire to be represented by the Union when the current collective bargaining agreement expires on February 28, 2017. To date, the Company has not received any evidence indicating that any employees have changed their minds in this regard. Accordingly, the Company intends to withdraw recognition upon expiration of the agreement. Until that time, it will comply with the agreement and its obligations under the law.

Sincerely,


Chuck Deniso

Branch Manager, Leggett and Platt
101 New Street / Winchester Kentucky / 859-744-4626



EMPLOYEE PETITION FOR UNION DECERTIFICATION

The undersigned employees of Leggett and Platt #002 do not want to be represented by IAM 619 hereafter referred to as "union".

Name	signature	clock number	date
1. <u>Jeremy Moore</u>	<u>[Signature]</u>	<u>2031</u>	<u>4/5/17</u>
2. <u>Donald Hinkle</u>	<u>[Signature]</u>	<u>2054</u>	<u>4-5-17</u>
3. <u>Paul Simon</u>	<u>[Signature]</u>	<u>2096</u>	<u>4-5-17</u>
4. <u>Keith Jordan</u>	<u>[Signature]</u>	<u>0722</u>	<u>4/5/17</u>
5. <u>Tyler Fugate</u>	<u>[Signature]</u>	<u>0978</u>	<u>4/5/17</u>
6. <u>Robert Marshall</u>	<u>[Signature]</u>	<u>2947 0947</u>	<u>4/5/17</u>
7. <u>[Signature]</u>	<u>[Signature]</u>	<u>2220</u>	<u>4/5/17</u>
8. <u>Ronnie Necker</u>	<u>[Signature]</u>	<u>0869</u>	<u>4/5/17</u>
9. <u>[Signature]</u>	<u>[Signature]</u>	<u>2181</u>	<u>4-5-17</u>
10. <u>Justin Gresham</u>	<u>[Signature]</u>	<u>0814</u>	<u>4-5-17</u>
11. <u>[Signature]</u>	<u>[Signature]</u>	<u>0879</u>	<u>4-5-17</u>
12. <u>[Signature]</u>	<u>[Signature]</u>	<u>136</u>	<u>4-5-17</u>
13. <u>John Steiner</u>	<u>[Signature]</u>	<u>206 2066</u>	<u>4-5-17</u>
14. <u>John Steiner</u>	<u>[Signature]</u>	<u>2161</u>	<u>4-5-17</u>
15. <u>Charles Greame</u>	<u>[Signature]</u>	<u>02159</u>	<u>4-5-17</u>
16. <u>Bill Sparlock</u>	<u>[Signature]</u>	<u>2284</u>	<u>4-6-17</u>
17. <u>James Mullins</u>	<u>[Signature]</u>	<u>2212</u>	<u>4-6-17</u>
18. <u>[Signature]</u>	<u>[Signature]</u>	<u>2063</u>	<u>4-6-17</u>
19. <u>Nose Doble</u>	<u>[Signature]</u>	<u>0391</u>	<u>4-6-17 0319</u>
20. <u>Travis Allen</u>	<u>[Signature]</u>	<u>2205</u>	<u>4/6/17 2265</u>
21. <u>Mark Nottingham</u>	<u>[Signature]</u>	<u>5489</u>	<u>4-7-17 5489</u>
22. <u>Sharon Munn</u>	<u>[Signature]</u>	<u>0204</u>	<u>4-7-17 0204</u>
23. <u>[Signature]</u>	<u>[Signature]</u>	<u>0510</u>	<u>4-7-17 0510</u>
24. <u>[Signature]</u>	<u>[Signature]</u>	<u>5012</u>	<u>4-7-17</u>

EXHIBIT

B

EMPLOYEE PETITION FOR UNION DECERTIFICATION

The undersigned employees of Leggett and Platt #002 do not want to be represented by IAM 619 hereafter referred to as "union".

Name	signature	clock number	date
1. Kenny Everett	<i>[Signature]</i>	0452	4-5-17
2. <i>[Signature]</i>	<i>[Signature]</i>	2101	4-5-17
3. <i>[Signature]</i>	<i>[Signature]</i>	2299	4-5-17
4. Burkey Patton	<i>[Signature]</i>	2292	4-5-17
5. Andrew Hakes	<i>[Signature]</i>	2297	4-5-17
6. RICKY MULL	<i>[Signature]</i>	2282	4-5-17
7. <i>[Signature]</i>	<i>[Signature]</i>	2296	4-5-17
8. Michael Hagedorn	<i>[Signature]</i>	0394	4-6-17
9. Kenneth Pierson	<i>[Signature]</i>	10912	4-6-17
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